

REMARKS

Claims 8-14 and 16 are pending, after addition of claim 16 in this Amendment. Claims 8-14 stand rejected.

Claims 8, 10-11, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 5,537,673 to Nagashima et al. ("the Nagashima reference") in view of United States Patent No. 5,910,882 to Burrell ("the Burrell reference") and United States Patent No. 5,974,333 to Chen ("the Chen reference").

The Examiner asserts that:

In another analogous art, Chen discloses, in Figure 3, a car radio for receiving a broadcast radio program, comprising a front panel (411) including a horizontally positioned holder (44), and a car radio, and a detachable handset (2), wherein the front panel includes at least one further control key (41, radio tuner knob) for controlling the car radio, the at least one further control key being positioned adjacent to the horizontally positioned holder (see col. 3 lines 45-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination system of Nagashima and Burrell to include at least one further control key for controlling the car radio, as described and taught by Chen. One of ordinary skill in the art would have been motivated to make this modification because it would reduce the number of unnecessary control keys (e.g., keys other than those of set 22 in Figure 1 of Nagashima) on the detachable handset, thereby allowing a decrease in its size and complexity. (Office Action, p. 4, ll. 3-13).

Applicant respectfully submits that the combined teachings of the Nagashima and Chen references do not disclose or suggest the features recited in Claim 13. The Nagashima reference teaches to protect expensive car stereo equipment by removing the control panel so that it does not have the appearance of a car stereo, and to further incorporate a telephone into the panel so that it is more likely that a driver will remove the panel, thereby protecting the car radio from potential thieves. Specifically, the Nagashima reference teaches that:

Increase in the use of a sophisticated car stereo in recent years has caused an increase in theft of these stereos. In order to prevent the theft of the stereo, there have been many proposals. In accordance with one of the proposals, a removable panel having a plurality of push buttons for control of the stereo is attached to the body of the stereo.
(Nagashima, col. 1, ll. 15-20).

When the panel 20 is removed from the stereo body 10, the stereo body 10 does not have the appearance of a car stereo. Hence, if the driver takes the panel 20 with him when leaving the vehicle, the theft of the car stereo is prevented. (Nagashima, col. 2, ll. 7-10). (*emphasis*

added).

However, since the panel detached from the stereo body 10 is utterly useless and hence will only be a hindrance, the driver is often reluctant to carry the panel around. (Nagashima, col. 2, ll. 11-13).

Thus, in order to encourage the driver to carry the panel around, the Nagashima reference discloses incorporating a mobile telephone in the removable control panel of a car radio, and when the control panel is removed, the radio is useless and remaining components no longer look like a car stereo. More importantly, the Nagashima reference teaches **not** to place radio control buttons or keys on the front panel. Otherwise, the principal intended security objective of disguising the radio would be thwarted. Since placing additional control keys adjacent to the panel as recited in Claim 13 would render useless the teaching of the Nagashima reference, there is no motivation to modify the Nagashima reference in the manner proposed by the Examiner. See M.P.E.P. § 2143.01.

While the Examiner asserts in the Office Action that it may be inferred from Nagashima that the front plate includes a radio circuit, it is not immediately clear from Fig. 3 of Nagashima where a tuner unit of the radio is located. The associated description found in column 3, lines 56-59 of Nagashima merely indicates that a "change over section 32" is also connected to a tuner unit. Indeed, the designation "car stereo body 10" clearly indicates that the radio circuits for receiving a broadcast radio program are contained in stereo unit 10, not in front plate 20. Consequently, it cannot be inferred from Nagashima that the front plate includes a radio circuit.

Additionally, applying the teaching of the Chen reference to the Nagashima reference fails to lead one of ordinary skill to the features of Claim 13. The Chen reference discloses attaching a conventional mobile telephone to a conventional car radio and stowing the mobile phone in an enclosure so that the phone and its accessories do not hinder or interfere with the driver. The Chen reference further discloses that when the phone is stored, its key panel is covered and not accessible for use. Specifically, the Chen reference teaches that:

It is an object of the present invention to provide a hands-free cellular phone for use with an automobile which is convenient to use, **does not hinder or interfere with the driver**, and enhances safety during use. (Chen, col. 1, l. 66 – col. 2, l. 2). (*emphasis added*).

It is yet another object of the present invention to provide a hands-free cellular phone for use with an automobile which enhances the appearance of the interior of the automobile, and which can be provided at low cost. (Chen, col. 2, ll. 6 – 9).

To accomplish the above objectives, the present invention provides an

automobile acoustic unit that is installed into an interior of an automobile. The automobile acoustic unit includes an audio source for generating audio signals, **a chamber configured to receive and store a cellular phone, and a circuit for controlling and selecting the playback of audio signals from the audio source and signals from the cellular phone.** (Chen, col. 2, ll. 10 – 17). (*emphasis added*).

A first non-limiting embodiment of the present invention is illustrated in FIG. 3. An automobile acoustic unit 4 is provided with a body 410 which is adapted to be fitted and secured in a cut-out in the dashboard of an automobile. The acoustic unit 4 includes a plurality of general control press keys 41, a cassette or CD playback outlet 42 through which a cassette or CD may be inserted, a radio tuner, and a control panel 43, all provided on a front panel 411 of the body 410, **and all of which are conventional components that can be found in conventional automobile acoustic units.** The acoustic unit 4 further includes a chamber 44 having an opening 412 in the front panel 411. **The chamber 44 is configured to receive a conventional cellular phone 2.** The rear of the chamber 44 has a cellular phone signal terminal 45 which is connected to the control circuit (shown in FIG. 4) of the automobile acoustic unit 4. The cellular phone 2 can be slid into the chamber 44, and has a signal plug socket 21 for receiving the signal terminal 45. (Chen, col. 3, ll. 45-62). (*emphasizes added*).

The control panel 43 is coupled to the audio source switch 51 and may be used as the key panel for the cellular phone 2, **since the key panel of the cellular phone 2 will be covered and not accessible for use when the cellular phone 2 is stored inside the chamber 44.** (Chen, col. 4, ll. 24-30, FIG. 3, 7, 9, 13). (*emphasis added*).

Thus, the Chen reference discloses: (1) using conventional radio and mobile telephone equipment; (2) stowing the mobile phone away such that its keys are not accessible; and (3) separately detaching the mobile phone from the vehicle. These suggestions directly contradict the principles of operation of the Nagashima reference. First, the Nagashima reference discloses a non-conventional mobile telephone and car radio. There is no teaching or suggestion how the Nagashima reference could be modified using conventional components. Second, the Nagashima reference uses the buttons on the mobile telephone to control the car stereo. There is no teaching or suggestion how these buttons could be used if they are not accessible as disclosed in the Chen reference. Third, the Nagashima reference teaches combining the control panel with a mobile phone. There is no suggestion how this could be accomplished by having the mobile phone separate from the control panel. Since the teaching of the Chen reference renders the Nagashima reference useless and unworkable, there is no motivation to combine these references. See M.P.E.P. § 2143.01.

Moreover, there is no motivation to modify the Nagashima reference to additionally incorporate a separate mobile phone as disclosed in the Chen reference. Storing a separate mobile phone would lessen, if not eliminate, the incentive of removing the radio-telephone control panel disclosed in the Nagashima reference, since the driver could simply take the separate phone. Since the suggested combination of Nagashima and Chen would render the teaching of the Nagashima reference useless, there is no motivation to combine these references.

The Burrell reference merely discloses a unitary GPS receiver and does not overcome the deficiencies of the Chen and Nagashima references as described above. Furthermore, the document of Burrell teaches only that one may fit the GPS receiving unit into an opening in the instrument panel of a vehicle (column 6, lines 60 through 62). Applicant's independent claim 13, on the other hand, requires that the handset be inserted into a holder mounted in a front plate of a car radio unit. Burrell simply does not teach such a mounting arrangement in a car radio unit, and there cannot be any such suggestion in Burrell, since the additional electrical connecting units in the device of Burrell are also situated in the opening of the instrument panel of the vehicle, fully behind the surface-mounted handset. Therefore, Burrell also leads away from the present invention.

Furthermore, the combination of Burrell and Chen makes no sense to one skilled in the art. Initially, the document of Burrell teaches providing a legend on the GPS unit which makes possible reading it in two variants, for mounting it and for holding it in the hand. However, Chen discloses that, after mounting the mobile radio telephone in the housing, operation of the mobile radio telephone is no longer desired. Therefore, based on the teachings of Chen, there would be no reason for one skilled in the art to put a legend on the mobile radio telephone which makes possible the operation of the operating elements in various positions, as suggested by Burrell. Therefore, the combination of Burrell and Chen makes no sense to one skilled in the art.

In addition, the combination of Nagashima and Burrell also does not make sense to one skilled in the art. The document of Nagashima teaches providing operation of the telephone by keys 22, when operating unit 20 is attached to radio unit 10. If operating unit 20 is taken off from radio unit 10, operating fields 52 are provided on the mobile telephone. The document of Nagashima thus teaches providing various keyboards for various holding arrangements in a detachable telephone unit. Consequently, the document of Nagashima leads away from the present invention and any combination with Burrell, since there is no reason for one skilled in the art, starting from the teachings of Nagashima, to modify a keyboard of the telephone according to the document of Burrell.

Since the Burrell, Chen, and Nagashima references fail to disclose each and every feature of Claim 13, and actually teach away from combination with each other, the Burrell, Chen, and Nagashima references do not render independent Claim 13 or dependent Claims 8-12 and 14 obvious under 35 U.S.C. §103(a).

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of the Nagashima, Burrell, and Chen references in view of United States Patent No. 5,926,119 to Lindeman et al. (“the Lindeman reference”). Claim 9 depends from Claim 13. The Nagashima, Burrell, and Chen references fail to disclose, teach or suggest each of the features of Claim 13. The Lindeman reference fails to overcome this deficiency. Therefore, the Nagashima, Burrell, Chen and Linderman references do not render Claim 9 obvious under 35 U.S.C. §103(a). Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of the Nagashima, Burrell, and Chen references in view of United States Patent No. 4,737,656 to Gottlieb (“the Gottlieb reference”). Claim 12 depends from Claim 13. The Nagashima, Burrell, and Chen references fail to disclose, teach or suggest each of the features of Claim 13. The Gottlieb reference fails to overcome this deficiency. Therefore, the Nagashima, Burrell, Chen and Gottlieb references do not render Claim 12 obvious under 35 U.S.C. §103(a). Accordingly, it is respectfully requested that this rejection be withdrawn.

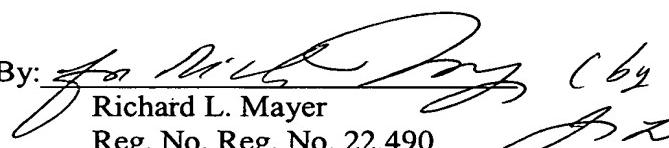
Claim 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of the Nagashima, Burrell, and Chen references in view of United States Patent No. 6,160,997 to Oberlaender (“the Oberlaender reference”). Claim 14 depends from Claim 13. The Nagashima, Burrell, and Chen references fail to disclose, teach or suggest each of the features of Claim 13. The Oberlaender reference fails to overcome this deficiency. Therefore, the Nagashima, Burrell, Chen and Oberlaender references do not render Claim 14 obvious under 35 U.S.C. §103(a). Accordingly, it is respectfully requested that this rejection be withdrawn.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the pending claims 8-14 are in condition for allowance. Prompt allowance of the present application is therefore earnestly solicited.

Respectfully Submitted,

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